

## **Chesapeake Bay Exception CBE-12-058: 2266 West Island - Davis**

Staff report for the February 8, 2012 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### **Existing Site Data & Information**

Applicant:	Aaron Williams
Land Owner:	Paul and Nancy Davis
Location:	2266 West Island
Parcel:	Lot 36, Governor's Land Subdivision
Parcel Identification:	4410200036
Lot Size:	0.60 acres
RPA Area on Lot:	0.18 acres or 30% of the lot (RPA only)
Watershed:	James River (HUC Code JL30)
Proposed Activity:	Installation of raised paver patio, stone walkway, and associated walls.

### **Proposed Impacts**

Impervious Area:	600 square feet (approximate)
RPA Encroachment:	600 square feet to the landward 50 foot RPA Buffer

### **Brief Summary and Description of Activities**

Mr. Aaron Williams on behalf of Mr. Paul and Nancy Davis has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of a raised paver patio, flagstone walkway, and three associated retaining walls at 2266 West Landing within the Governor's Land Subdivision. The lot was platted following the 1990 adoption of the Chesapeake Bay Preservation Ordinance but prior to the 2004 revisions to the Ordinance. The proposed improvements are within the landward 50 foot RPA buffer.

The proposed improvements will be located within the landward 50' RPA buffer in areas directly adjacent to the existing residence. The proposed flagstone walkway and its associated walls will be constructed along the rear side of the existing residence. The raised paver patio will be installed directly adjacent to the building itself and will connect the home to the stone walkways proposed to be installed. The stone that will be utilized for the patio consists of natural stone pavers set in a herring bone pattern that are to be dry-laid and not mortared. The proposed flagstone walkway is proposed to be constructed in the same fashion as the patio area. The applicant also provides an extensive planting plan to enhance the proposed improvements with both native and non-native species vegetation. The area that lies directly to the east of the proposed improvements will remain in its natural state.

### **Staff Recommendations**

The issue before the Board is the installation of the paver patio, the stone walkways, and the associated stone walls creating 600 square feet of impervious area within the landward RPA buffer. The Board is to determine whether or not this is consistent with the spirit and intent of the Ordinance and make a finding based upon the criteria outlined in Section 23-14 (c) of the Ordinance. There are five review criteria within this section of the ordinance.

Staff recommends approval of the application with the incorporation of the following conditions into the approval:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.
3. Full implementation of the approved RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through a form of surety satisfactory to the County Attorney and the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).
4. This exception request approval shall become null and void if construction has not begun by February 8, 2013.
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

### **Background**

Based on staff review of County records, the lot was recorded following the adoption of the Chesapeake Bay Preservation Ordinance. As the proposed accessory structures are located within the RPA buffer, they cannot be administratively reviewed and therefore in accordance with section 23-14 of the Ordinance, an exception request must be considered by the Chesapeake Bay Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the paver patio, the retaining walls, and the stone paver walkways.

### **Water Quality Impact Assessment (WQIA)**

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a County *Sensitive Area Activity Application* and a detailed mitigation plan, both of which are included in the case report packet.

The applicant proposes to provide three (3) native canopy and twenty-five (25) native shrubs to offset the impacts to the RPA. The proposed mitigation exceeds the mitigation standard requirements for the proposed impacts. The applicant also proposes to use pervious paver design techniques with the installation of the walkways and patio.

**Consideration by the Chesapeake Bay Board**

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-12-058 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-12-058 are included for the Board's use and decision.

Staff Report prepared by:

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Michael P. Majdeski  
Senior Resource Protection Inspector

CONCUR:

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Michael D. Woolson  
Secretary to the Board

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Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Sensitive Area Activity Application  
Landscape Plan